

1004 Re PCT/PTO 17 OCT 2005

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                         |                   |
|-------------------------|-------------------|
| Application Number      | 10/536,889        |
| I.A. Filing Date        | November 26, 2003 |
| I.A. Application Number | PCT/US2003/037979 |
| First Named Inventor    | Graupe, Micahel   |
| Group Art Unit          | Not Yet Assigned  |
| Examiner Name           | Not Yet Assigned  |

Total Number of Pages in This Submission

Attorney Docket Number CL001396 PCT/US

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form (1 pg)☐ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☒ Response to Missing  
Parts under 35 USC 371 (1 pg)☐ Assignment Papers (5 pgs + 1 pg  
Recordation Cover Sheet)  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Corres Address (1 pg)☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s)  
(please identify below):-Combined Declaration/Power of Attorney  
(signed by Graupe, Link, Liu, Mossman,  
Patterson, Zipfel - 2 pgs)-Combined Declaration/Power of Attorney  
(signed by Lau - 2 pgs)

-Application Data Sheet (6 pgs)

-Copy of Notification of Msg Rqmts (2 pgs)

-Return postcard

Remarks

The Commissioner is authorized to charge any additional fees to  
Deposit Account 50-0970.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
and  
Individual name

CELERA, AN APPLERA CORPORATION BUSINESS

Wayne W. Montgomery

Signature

Date

September 30, 2005

**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service addressed to: Mail Stop Missing  
Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name

Debra K. Bowen

Signature

Date

Oct. 14 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any  
comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark  
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for  
Patents, Washington, DC 20231.

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail and is addressed to Mail Stop PCT, Missing Requirements, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Debra K. Bowen

Debra K. Bowen

Date: Oct. 14, 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Graupe, et al.

Application No.: 10/536,889

I.A. Application No.: PCT/US03/37979

Group Art Unit: Unassigned

I.A. Filing Date: November 26, 2003

Examiner: Unassigned

For: CYANOMETHYL DERIVATIVES AS CYSTEINE PROTEASE INHIBITORS

Mail Stop PCT  
MISSING REQUIREMENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)

Dear Sir:

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed August 22, 2005, enclosed are the following to be made of record in the above-identified application:

1. Copy of Notification of Missing Requirements;
2. Executed Declaration with ADS, and
3. Fee Sheet

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0970.

Respectfully submitted,

Date: 9/30/05

Wayne W. Montgomery  
Wayne W. Montgomery  
Reg. No. 35,016

Celera, An Applera Corporation Business  
180 Kimball Way  
South San Francisco, California 94080  
Tel.: (650) 829-1000/Fax: (650) 866-6635



PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

**Complete If Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 10/536,889               |
| Filing Date          | IA Filing Date: 11/26/03 |
| First Named Inventor | Graupe, Michael          |
| Examiner Name        | Unassigned               |
| Art Unit             | Unassigned               |
| Attorney Docket No.  | CL001396 PCT/US          |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-0970 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES****Fee Description**

|                                                    | Fee (\$) | Small Entity Fee (\$) |
|----------------------------------------------------|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

**Total Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x 50 = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x 200 = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims****Fee (\$)** **Fee Paid (\$)**

10/21/2005 GFREY1 3600000134 500970 10536889

01 FC:1617 130.00 DA

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|              |              |                                                   |          |               |
|--------------|--------------|---------------------------------------------------|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof  | Fee (\$) | Fee Paid (\$) |
| _____        | _____        | _____ / 50 = _____ (round up to a whole number) x | 250      | 0             |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Oath or Declaration Surcharge

**Fees Paid (\$)**

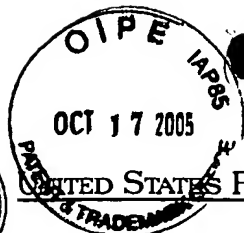
130.00

**SUBMITTED BY**

|                   |                            |                                          |                        |
|-------------------|----------------------------|------------------------------------------|------------------------|
| Signature         | <i>Wayne W. Montgomery</i> | Registration No. (Attorney/Agent) 35,016 | Telephone 650-829-1000 |
| Name (Print/Type) | Wayne W. Montgomery        |                                          | Date Sept 30, 2005     |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



COPY-

Page 1 of 2

PCT

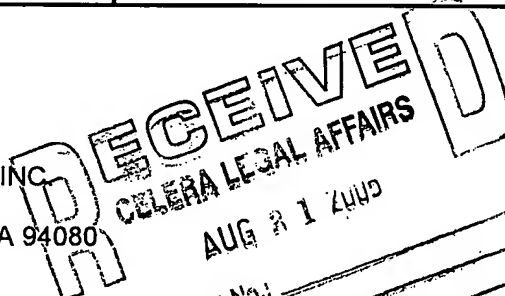
Handwritten initials and a large handwritten dollar sign.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                                           |                       |                                     |
|-------------------------------------------|-----------------------|-------------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/536,889 | FIRST NAMED APPLICANT | ATTY. DOCKET NO.<br>CL001396 PCT/US |
|-------------------------------------------|-----------------------|-------------------------------------|

23519  
AXYS PHARMACEUTICALS, INC.  
180 KIMBALL WAY  
SOUTH SAN FRANCISCO, CA 94080



|                                                 |                             |
|-------------------------------------------------|-----------------------------|
| INTERNATIONAL APPLICATION NO.<br>PCT/US03/37979 |                             |
| LA. FILING DATE<br>11/26/2003                   | PRIORITY DATE<br>12/05/2002 |

Attorney Docket No.:  
Date Received:  
Action Due:  
Docketed: *W. L. L. L. L.*

CONFIRMATION NO. 1365  
371 FORMALITIES LETTER  
\*OC000000016827147\*  
\*OC000000016827147\*

Date Mailed: 08/22/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/01/2005
- Copy of the International Search Report filed on 06/01/2005
- Copy of IPE Report filed on 06/01/2005
- Request for Immediate Examination filed on 06/01/2005
- U.S. Basic National Fees filed on 06/01/2005
- Priority Documents filed on 06/01/2005
- Specification filed on 06/01/2005
- Drawings filed on 06/01/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/536,889                  | PCT/US03/37979                | CL001396 PCT/US  |